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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,923	09/19/2001	Christian Huitema	212643	9393

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,923

Applicant(s)

HUITEMA ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 12-26 and 29-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/28/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-11 and 27-28 in the reply filed on 3/7/2005 is acknowledged.
2. Claims 12-26 and 29-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/7/2005.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims describe a method without being tangibly embodied (The medium of claim 11 could be a carrier wave signal which is non-statutory).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-11 and 27-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent Application Publication Number 2002/0073204.

7. As to claim 1, Dutta teaches a method of forming a peer-to-peer group, comprising the steps of selecting a friendly name for the group, calculating a category identification for the group, and providing the identification to a peer (paragraphs 62-64).

8. As to claim 2, Dutta teaches a step of calculating a category ID by hashing (paragraph 67, Gnutella).

9. As to claim 3, Dutta teaches the method of claim 1 wherein the peer-to-peer group is to be private, wherein the step of providing the CIB to a peer comprises the step of sending the CID to the peer out of band (paragraphs 62-64).

10. As to claim 4, Dutta teaches the method of claim 1 wherein the peer to peer group is to be public wherein the step of providing the CID to a peer comprises the step of registering the CID with a peer-to-peer name resolution protocol (PNRP) for discovery (paragraph 67, Gnutella).

11. As to claim 5, Dutta teaches the method of claim 4, further comprising the steps of concatenating a peer ID with the CID (paragraphs 68-70).

12. As to claim 6, Dutta teaches the method of claim 1 further comprising the steps of receiving connect messages from the peer and returning a welcome message to the peer (paragraph 67, Gnutella).

13. As to claim 7, Dutta teaches the method of claim 6 further comprising the steps of calculating a signature of a group object database (paragraph 67, Gnutella).

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14. As to claim 8, Dutta teaches the method of claim 7, including combining a unique ID with a sequence number and age (paragraph 67, Gnutella).

15. As to claim 9, Dutta teaches the method fo claim 7, comprising the steps of receiving a request a specific group of objects (paragraph 67, Gnutella).

16. As to claim 10, Dutta teaches the method of claim 1 further comprising the steps of receiving a connect message form a peer an returning a refuse message to the peer along with a list of other members of the group (paragraph 67, Gnutella).

17. As to claim 11, Dutta teaches a computer readable medium.

18. As to claim 27, Dutta teaches a method of joining a peer-to-peer group, comprising the steps of sending a connect message to a first member of the group, receiving a refuse message including contact information for at least a second member of the group (paragraphs 62-64), sending a connect message to the second member of the group, and receiving a welcome message form the second member (paragraph 67, Gnutella).

19. As to claim 28, Dutta teaches the method of claim 27, wherein the contact information includes information for a plurality of members of the group, further comprising the steps of selecting one of the plurality of members of the group, and sending a connect message to the one of plurality of members of the group (paragraph 67, Gnutella).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER